

REMARKS

Claims 1-19 are pending in this application and are subject to a restriction requirement. Applicants herein amend Claims 8-10 to correct antecedent basis, and amend claim 15 to correct a typographical error. No new matter is introduced by way of the amendments to the claims.

ELECTION/RESTRICTION

A requirement for restriction has been made under 35 U.S.C. §121 and § 372 between the inventions of:

- I. Claims 1-17, drawn to a polynucleotide vaccine; and
- II. Claims 18 and 19, drawn to a method of preventing or treating HCV infection.

The Office Action also required elections of species from the following groups:

- I. A species of protein encoded by the first expression cassette elected from: (a) amino acids 1-151 of HCV core protein; (b) amino acids 1-165 of HCV core protein; (c) amino acids 1-171 of HCV core protein; (d) HCV NS3-core fusion protein; (e) HCV NS3-core(1-151) fusion protein; (f) HCV NS3-core(1-165) fusion protein; and (g) HCV NS3-core(1-171) fusion protein.
- II. A species of protein encoded by the second expression cassette elected from: (1) NS3; (2) NS4B; (3) NS5B; and (4) NS4B-NS5B.

Applicants elect the subject matter of Group I (claims 1-17) without traverse.

With respect to the election of species, Applicants elect species I. (e) HCV NS3-core(1-151) fusion protein; and II (4) NS4B-NS5B, for initial examination on the merits. Claims 1-6, 9, 10, 11, 13, and 15-17 encompass the elected subject matter.

In the event that one or more generic claims (*e.g.*, 1-6, 13 and 15-19) are found allowable, Applicants respectfully request consideration of claims to additional species which include all of the limitations of the allowed generic claim(s), as provided by 37 C.F.R. § 1.141.

Applicants note that the subject matters of Groups I and II are related to each other as product and process of using the product. When product claims (for example, one or more of claims 1-17) are found to be allowable, Applicants respectfully request rejoinder of process claims (18 and 19) that are dependent from or otherwise include all of the limitations of the allowed product claim(s), as required by MPEP § 821.04(b).

Applicants reserve the right to prosecute the subject matter in the non-elected claims, originally filed claims, or any other claims supported by the specification in one or more continuing patent applications.

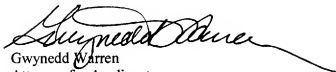
INTERVIEW SUMMARY

Applicants thank Examiner Humphrey for the helpful telephonic interview of 31 January 08 with Applicants' undersigned attorney. During the interview Examiner Humphrey relayed the information that this application had been moved to her docket, and indicated that the Notice of Non-Compliant Amendment dated 07 January 08, signed by Examiner Lucas, was in error and no further action in this regard is required by Applicants.

NOTICE OF RELATED APPLICATION

Applicants take this opportunity to advise the Examiner that currently pending Application No. 10/535,047, on the docket of Examiner Zachariah Lucas, contains disclosure related to the subject matter of the instant application.

Respectfully submitted,


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